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RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the
1st October, 1964:—

I

BILL No. XV OF 1964

A Bill further to amend the Banaras Hindu University Act, 1915.

BE it enacted by Parliament in the Fifteenth Year of the Republic
of India as follows—

1. (1) This Act may be called the Banaras Hindu University (Amendment) Act, 1964.

Short title
and
commence-
ment.

16 of 1915.

(2) It shall come into force on such date as the Central Govern-
ment may, by notification in the Official Gazette, appoint.

2. In the Banaras Hindu University Act, 1915 (hereinafter refer-
red to as the principal Act), for section 2, the following section shall
be substituted, namely:—

Substitution
of new
section 2.

‘2. In this Act, unless the context otherwise requires,—

Defini-
tions.

(a) “Academic Council” means the Academic Council of
the University;

(b) “College” means a college or teaching institution
(other than a secondary, primary or infant school or
pathasala) maintained by, or admitted to the privileges of,
the University;

(c) “Court” means the University Court;

(d) “Executive Council” means the University Execu-
tive Council;

- (e) "Faculty" means a Faculty of the University;
- (f) "Ordinances" means the Ordinances of the University for the time being in force;
- (g) "Regulations" means the Regulations of the University for the time being in force;
- (h) "Statutes" means the Statutes of the University for the time being in force;
- (i) "teacher" means a salaried professor, reader, lecturer or tutor who imparts instruction in a college of the University and includes any other person who is declared to be a teacher by the Academic Council;
- (j) "University" means the Banaras Hindu University.

Amend-
ment of
section 3.

3. In section 3 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) The Chancellor, the Pro-Chancellor and the Vice-Chancellor and the members of the Court and the Academic Council, for the time being, shall be a body corporate by the name of the Banaras Hindu University.";

(b) in sub-section (3),—

(i) after the word "religion", the words "and in moral and spiritual values" shall be inserted;

(ii) the words "and moral" shall be omitted.

Amend-
ment of
section 4.

4. In section 4 of the principal Act, in the proviso, for the words "to those who have consented to receive it", the words "to those who or, in the case of minors, whose parents or guardians have given their consent thereto in writing" shall be substituted.

Amend-
ment of
section 4A.

5. In section 4A of the principal Act,—

(a) for clauses (2) and (3), the following clauses shall be substituted, namely:—

"(2) to promote Oriental studies including Vedic, Hindu, Buddhist and Jain studies, to give instruction in Hindu theology and religion and in moral and spiritual values and to impart physical training;

(3) to hold examinations and to grant and confer degrees and other academic distinctions to and on persons—

(a) who shall have pursued a course of study in the University or in a college and passed the examination or who shall have carried on research work in the manner prescribed by the Ordinances, or

(b) who are teachers of the University or any college under conditions laid down in the Statutes or the Ordinances and shall have passed the examinations of the University under like conditions, or

(c) who, being women, shall have pursued a course of private study in subjects provided for by the Ordinances and shall have passed the examinations of the University in their subjects under conditions laid down in the Ordinances;”;

(b) after clause (9), the following clause shall be inserted, namely:—

“(9A) to institute, establish, maintain, reconstitute, amalgamate, divide or abolish departments, faculties or colleges and carry out inspection thereof and inquiry in relation thereto;”;

(c) in clause (11), after the word “health” the words “and welfare” shall be inserted;

(d) after clause (12), the following clause shall be inserted, namely:—

“(12A) to regulate and enforce discipline among salaried officers, teachers and other employees of the University in accordance with the Ordinances;”;

(e) in clause (13), the word “and” at the end shall be omitted;

(f) after clause (13), the following clauses shall be inserted, namely:—

“(13A) to acquire, hold, manage and dispose of property, movable or immovable, including trust or endowed property, for the purposes of the University;

(13B) with the approval of the Central Government, to borrow on the security of the property of the University, money for the purpose of the University;”

Amend-
ment of
section 5.

6. In section 5 of the principal Act, in sub-section (2), after the word "equipment", the words "of any College" shall be inserted.

Substitu-
tion of
new sec-
tions for
sections 6
and 7.

7. For sections 6 and 7 of the principal Act, the following sections shall be substituted, namely:—

Rector.

"6. The Governor of the State of Uttar Pradesh shall be the Rector of the University.

Officers of
the Uni-
versity.

7. The following shall be the officers of the University, namely:—

- (a) the Chancellor,
- (b) the Pro-Chancellor,
- (c) the Vice-Chancellor,
- (d) the Pro-Vice-Chancellor,
- (e) the Treasurer,
- (f) the Registrar,
- (g) the Deans of Faculties,
- (h) the Dean of Students,
- (i) the Librarian,
- (j) the Chief Proctor, and

(k) such other persons in the service of the University as may be declared by the Statutes to be the officers of the University.

Chancellor.

7A. (1) The Chancellor shall be elected by the Court and shall hold office for a term of three years:

Provided that the Chancellor shall, notwithstanding the expiration of his term, continue to hold office until the election of his successor.

(2) If the office of the Chancellor becomes vacant, the functions of his office shall, until some person is elected under sub-section (1) to the vacant office, be performed by the Pro-Chancellor.

Powers of
Chancellor.

7B. (1) The Chancellor shall, by virtue of his office, be the Head of the University.

(2) The Chancellor shall, if present, preside at convocations of the University for conferring degrees and at all meetings of the Court.

7C. (1) The Pro-Chancellor shall be elected by the Court and shall hold office for a term of three years: Pro-Chancellor.

Provided that the Pro-Chancellor shall, notwithstanding the expiration of his term, continue to hold office until the election of his successor.

(2) In the absence of the Chancellor, the Pro-Chancellor, if present, shall preside at any convocation of the University for conferring degrees and at any meeting of the Court.

(3) If the office of the Pro-Chancellor becomes vacant, the functions of his office shall, until some person is elected under sub-section (1) to the vacant office, be performed by a person appointed by the Chancellor on the recommendation of the Executive Council.

7D. (1) The Vice-Chancellor shall be appointed by the Visitor from a panel of not less than three persons who shall be recommended by a committee consisting of three members: Vice-Chancellor.

Provided that, if the Visitor does not approve of any of the persons so recommended, he may call for fresh recommendations.

(2) Two members of the committee shall be persons not connected with the University or college nominated by the Executive Council and one member shall be a person nominated by the Visitor who shall also appoint one of the three members to be the Chairman of the committee.

(3) The Vice-Chancellor shall be a whole-time salaried officer of the University.

(4) The Vice-Chancellor shall hold office for a term of five years from the date on which he enters upon his office and shall at the expiry of such term be eligible for re-appointment for a second term:

Provided that the Vice-Chancellor shall, notwithstanding the expiration of his term, continue to hold his office until his successor is appointed and enters upon his office:

Provided further that the Visitor may direct that a Vice-Chancellor whose term of office has expired shall continue to hold office for such period not exceeding one year as may be specified in that direction.

(5) The emoluments and other terms and conditions of service of the Vice-Chancellor shall be prescribed by the Ordinances.

(6) If the office of the Vice-Chancellor becomes vacant, the functions of his office shall, until some person is appointed under sub-section (1) to the vacant office, be performed by the Pro-Vice-Chancellor:

Provided that if there is no Pro-Vice-Chancellor, the Registrar shall carry on the current duties of the Vice-Chancellor and call a meeting of the Executive Council forthwith and take its directions for the carrying on of the work of the University.

Powers
and duties
of Vice-
Chan-
cellor.

7E. (1) The Vice-Chancellor who shall be the principal executive and academic officer of the University, shall take rank next to the Pro-Chancellor and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of its authorities.

(2) The Vice-Chancellor shall be the *ex officio* Chairman of the Executive Council, the Academic Council and the Finance Committee and shall, in the absence of the Chancellor and the Pro-Chancellor, preside at any convocation of the University for conferring degrees and also at any meeting of the Court; he shall be entitled to be present at and to address any meeting of any authority or body or committee of the University but shall not be entitled to vote thereat unless he is a member of such authority or body or committee.

(3) The Vice-Chancellor shall be responsible for the maintenance of discipline in the University and may delegate such of his powers in this regard to such persons in the employment of the University as he may deem necessary.

(4) If the Vice-Chancellor is of the opinion that, for the maintenance of discipline in the University, any student of the University should be expelled therefrom, he may, by order in writing, direct the expulsion of the student therefrom:

Provided that the Vice-Chancellor shall not make any such order until after a notice in writing has been given to the student calling upon him to show cause within such time as may be specified in the notice why such order should not be made and until his objections, if any, and any evidence he may produce in support of the same, have been considered by the Vice-Chancellor.

(5) It shall be the duty of the Vice-Chancellor to see that the provisions of this Act, the Statutes, the Ordinances and the Regulations are duly observed.

(6) The Vice-Chancellor shall have power to convene meetings of the Court, the Executive Council and the Academic Council and shall perform all such acts as may be necessary to carry out or further the provisions of this Act, the Statutes and the Ordinances.

(7) If, in the opinion of the Vice-Chancellor, any emergency has arisen which requires immediate action to be taken, the Vice-Chancellor shall take such action as he deems necessary and shall report the same for approval at the next meeting to the authority which, in the ordinary course, would have dealt with the matter:

Provided that, if the action taken by the Vice-Chancellor is not approved by the authority concerned, he may refer the matter to the Visitor, whose decision thereon shall be final:

Provided further that, where any such action taken by the Vice-Chancellor affects any person in the service of the University, such person shall be entitled to prefer, within thirty days from the date on which he receives notice of such action, an appeal to the Executive Council.

(8) The Vice-Chancellor shall have power to take disciplinary action against teachers and salaried officers of the University and impose the penalty of censure or administer warning:

Provided that no teacher or salaried officer shall be censured unless he has been given a reasonable opportunity to explain.

(9) The Vice-Chancellor shall exercise such other powers as may be prescribed by the Statutes, the Ordinances or the Regulation."

8. In section 8 of the principal Act, for the words "the officers of the University", the words "the other officers of the University" shall be substituted. Amendment of section 8.

9. After section 8 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 8A.

"8A. The following shall be the authorities of the University, namely:— Authorities of the University.

(a) the Court,

(b) the Executive Council,

- (c) the Academic Council,
- (d) the Finance Committee,
- (e) the Faculties, and
- (f) such other authorities as may be declared by the Statutes to be the authorities of the University.”.

Substitution of new sections 9, 9A and 10.

10. For sections 9 and 10 of the principal Act, the following sections shall be substituted, namely:—

The Court.

“9. (1) The Court shall be the supreme authority of the University and shall have power to review the acts of the Executive Council and the Academic Council (save where those authorities have acted in accordance with the powers conferred upon them by this Act, the Statutes or the Ordinances):

Provided that the power of review under this sub-section shall not be exercised except by a majority of not less than two-thirds of the total number of members.

(2) The Court shall also have power to review from time to time the broad policies and programmes of the University and to suggest measures for the improvement of the affairs, and development, of the University and shall exercise all the powers of the University not otherwise provided for by this Act or the Statutes.

(3) Without prejudice to the provisions of sub-sections (1) and (2), the Court shall consider the annual report, the annual accounts and the budget of the University for the next financial year, and may approve the budget with or without modification and communicate its views to the Executive Council.

(4) Notwithstanding anything in sub-section (1), the Court shall not interfere with the Executive Council in the day-to-day administration of the University.

(5) If any question arises as to whether a matter does or does not relate to the day-to-day administration of the University, the question shall be referred to the Visitor whose decision thereon shall be final.

Meetings of Court.

9A. (1) An annual meeting of the Court shall be held on a date fixed by the Executive Council, unless some other date has been fixed by the Court, and at such annual meeting, a report of the proceedings of the Executive Council and a report of the working of the University during the previous year together with a

statement of the receipts and expenditure and the balance sheet as audited and the budget for the next financial year shall be presented by the Executive Council; and any vacancies among the officers of the University or among the members of the Court or the Executive Council which ought to be filled up by the Court shall also be filled up.

(2) A copy of the statement of receipts and expenditure and of the balance sheet and the budget referred to in sub-section (1) shall be sent to every member of the Court at least seven days before the date of the annual meeting and shall be open to inspection by members of the Court and the Academic Council at the office of the University during the year following such meeting at such reasonable hours and under such conditions as the Executive Council may determine.

(3) Special meetings of the Court may be convened by the Executive Council or the Vice-Chancellor or if there is no Vice-Chancellor, by the Pro-Vice-Chancellor or if there is no Pro-Vice-Chancellor, by the Registrar:

Provided that a special meeting of the Court shall also be convened if not less than thirty-three members make a requisition in writing in this behalf.

10. (1) The Executive Council shall, subject to the control of the Court, be the executive body of the University and shall have charge of the management and administration of the revenue and property of the University and the conduct of all administrative affairs of the University not otherwise provided for.

Executive Council.

(2) Subject to the provisions of this Act, the Executive Council shall exercise such other powers and perform such other duties as may be conferred or imposed on it by the Statutes or the Ordinances."

11. In section 11 of the principal Act, the words "and discipline" shall be omitted.

Amendment of section 11.

12. For sections 12 and 12A of the principal Act, the following sections shall be substituted, namely:—

Substitution of new sections 12, 12A and 12B.

"12. Subject to the provisions of this Act, the functions, powers and duties of the other authorities of the University shall be provided for by the Statutes.

Other authorities.

Disqualifi-
cations.

12A. (1) No person shall be qualified for election or nomination as a member of any of the authorities of the University, if—

(a) he is of unsound mind or is a deaf-mute or suffers from contagious leprosy, or

(b) he is an undischarged insolvent, or

(c) he has been convicted by a court of an offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than six months, and a period of five years has not elapsed since his release.

(2) Any dispute as to whether a person is disqualified for election or nomination under this section shall be referred to the Vice-Chancellor whose decision shall be final and shall not be liable to be questioned in a court of law.

Removal
of mem-
bers from
authori-
ties.

12B. Any member of the Court, the Executive Council, or the Academic Council may be removed by a resolution of the Court, the Executive Council or the Academic Council, as the case may be, passed by a majority of its total membership and by a majority of not less than two-thirds of the members present and voting at the meeting, on any one or more of the following grounds, namely:—

(a) that the member has become incapable of performing his duties, or

(b) that the member has become unsound in mind or a deaf-mute, or

(c) that the member suffers from contagious leprosy, or

(d) that the member has become an undischarged insolvent, or

(e) that the member has been convicted by a court of law of an offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than six months, and a period of five years has not elapsed since his release."

Amend-
ment of
section 14.

13. In section 14 of the principal Act,—

(a) in the main paragraph, for the words "fifty lakhs of rupees", the words "forty-five lakhs of rupees" shall be substituted;

(b) in the proviso,—

(i) in clause (1), for the figures “1886”, the figures “1920” shall be substituted;

(ii) in clause (2),—

(A) for the words “the aforesaid sum of fifty lakhs shall be reduced by such sum as, at the commencement of this Act”, the words, brackets and figures “the aforesaid sum of forty-five lakhs of rupees shall be reduced by such sum as, at the commencement of the Banaras Hindu University (Amendment) Act, 1964” shall be substituted;

(B) for the words “by any Indian Prince or Chief”, the words “by any Ruler of any Indian State” shall be substituted.

14. In section 15 of the principal Act, to sub-section (2), the following proviso shall be added, namely:—

Amendment of section 15.

“Provided that no such college or institution shall, after the commencement of the Banaras Hindu University (Amendment) Act, 1964, be admitted to any such privilege of the University.”.

15. In section 16A of the principal Act, for the word “servants”, the word “employees” shall be substituted.

Amendment of section 16A.

16. After section 16A of the principal Act, the following sections shall be inserted, namely:—

Insertion of new sections 16B to 16E.

“16B. (1) Every salaried officer and teacher of the University shall be appointed under a written contract, which shall be lodged with the University and a copy of which shall be furnished to the officer or teacher concerned.

Conditions of service of officers and teachers.

(2) Any dispute arising out of a contract between the University and any of its officers or teachers shall, at the request of the officer or teacher concerned or at the instance of the University, be referred to a Tribunal of Arbitration consisting of one member appointed by the Executive Council, one member nominated by the officer or the teacher concerned and an umpire appointed by the Visitor.

(3) The decision of the Tribunal of Arbitration shall be final and shall not be questioned in any court of law.

(4) No suit or proceeding shall lie in any court of law in respect of any matter which is required by sub-section (2) to be referred to the Tribunal of Arbitration.

(5) The Tribunal of Arbitration shall have power to regulate its own procedure.

(6) Nothing in any law for the time being in force relating to arbitration shall apply to arbitrations under this section.

Proceedings not to be invalidated by vacancies, etc.

16C. No act or proceedings of any authority or body or committee of the University shall be invalid merely by reason of—

(a) any vacancy in, or defect in the constitution thereof, or

(b) any defect in the election, nomination or appointment of a person acting as a member thereof, or

(c) any irregularity in its procedure not affecting the merits of the case.

Protection of action taken in good faith.

16D. No suit, prosecution or other legal proceeding shall lie against any officer, teacher or other employee of the University for anything in good faith done or intended to be done by him under this Act or the Statutes or the Ordinances or the Regulations.

Decision of disputes.

16E. If any question arises whether any person has been duly elected, nominated or appointed as, or is entitled to be, a member of any authority or body or committee of the University, it shall be referred to the Visitor whose decision thereon shall be final."

Substitution of new section 17.

17. For section 17 of the principal Act, the following section shall be substituted, namely:—

Statutes.

"17. (1) Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

(a) the constitution of the Court and the constitution, powers and duties of the other authorities of the University other than the powers and duties provided for in this Act;

(b) the election and appointment of members of the authorities of the University, their continuance in office, the filling of vacancies of members thereof and all other matters relating to the authorities;

(c) the appointment, powers and duties of the officers of the University;

(d) the institution of degrees, diplomas, certificates and other academic distinctions;

(e) the conferment of honorary degrees;

(f) the holding of convocations to confer degrees;

(g) the establishment, reconstitution, amalgamation, division or abolition of faculties, departments, hostels, colleges and institutions;

(h) the withdrawal of degrees, diplomas, certificates and other academic distinctions;

(i) the withdrawal of all, or any of, the privileges of the University from the colleges and institutions including High Schools which have been admitted to such privileges under sub-section (2) of section 15;

(j) the institution of fellowships, scholarships, studentships, medals and prizes;

(k) the registration of graduates and the maintenance of a register of registered graduates;

(l) the classification and the manner of appointment of teachers in the University and the Colleges;

(m) the constitution of a pension or provident fund and the establishment of an insurance scheme for the benefit of the officers, teachers and other employees of the University;

(n) the meetings of the Court, the Executive Council, the Academic Council, the Finance Committee or the Faculties, the quorum at such meetings and the procedure to be followed in the conduct of their business;

(o) all other matters which are to be or may be provided for by the Statutes.

(2) The Statutes in force at the commencement of the Banaras Hindu University (Amendment) Act, 1964, shall be those set out in the Schedule to this Act.

(3) The Court may, from time to time, make new or additional Statutes or may amend or repeal the Statutes in the manner hereinafter provided.

(4) The Executive Council may propose to the Court the draft of any Statute and such draft shall be considered by the Court at its next meeting:

Provided that the Executive Council shall not propose the draft of any Statute or of any amendment of a Statute affecting the status, powers or constitution of any existing authority of the University until such authority has been given an opportunity of expressing its opinion upon the proposal; and any opinion so expressed shall be in writing and shall be considered by the Court.

(5) The Court may approve any such draft as is referred to in sub-section (4) and pass the Statute or reject it or return it to the Executive Council for re-consideration, either in whole or in part, together with any amendments which the Court may suggest.

(6) Any member of the Court may propose to the Court the draft of any Statute, and the Court may either reject the proposal or refer such draft for consideration to the Executive Council which may either reject the proposal or submit the draft to the Court in such form as the Executive Council may approve.

(7) Every new Statute or addition to a Statute or any amendment or repeal of a Statute shall require the previous approval of the Visitor who may sanction or disallow it or remit it for further consideration."

Amend-
ment of
section 18.

18. In section 18 of the principal Act,—

(a) in sub-section (1),—

(i) for clause (c), the following clause shall be substituted, namely:—

"(c) the qualifications for admission to courses of study for degrees, diplomas, certificates and other academic distinctions and to examinations of the University and the award of degrees, diplomas, certificates and other academic distinctions;"

(ii) in clause (d), for the words "and for admission to the examinations, degrees and diplomas of the University", the words "for admission to the examinations, degrees and diplomas of the University and for registration of graduates" shall be substituted;

(iii) after clause (f), the following clause shall be inserted, namely:—

“(ff) the remuneration and allowances to examiners, moderators and other persons engaged on the business of the University;”;

(iv) in clause (k), for the word “teachers”, the words “officers and teachers” shall be substituted;

(v) after clause (l), the following clause shall be inserted, namely:—

“(ll) the meetings of any Board or Committee that may be set up under this Act or the Statutes, the quorum at such meetings and the procedure to be followed in the conduct of their business;”;

(vi) in clause (m), the word “and” at the end shall be omitted;

(vii) after clause (m), the following clause shall be inserted, namely:—

“(mm) the powers and duties of teachers and salaried officers and the powers which may be delegated to them;”;

(b) in sub-section (3), for the proviso, the following proviso shall be substituted, namely:—

“Provided that no Ordinance shall be made—

(a) prescribing the examinations to be recognised as equivalent to the University examinations, or

(b) affecting the conditions, mode of appointment or duties of examiners or the conduct or standard of examinations or of any course of study,

unless a draft of such Ordinance has been proposed by the Academic Council.”;

(c) for sub-sections (5) and (6), the following sub-sections shall be substituted, namely:—

“(5) Where the Executive Council has rejected the draft of an Ordinance proposed by the Academic Council, the Academic Council may, within two months of the date of such rejection, appeal to the Visitor and he may, by order, direct that the proposed Ordinance shall be laid before the next meeting of the Court for its approval and that pending

such approval, it shall have effect from such date as may be specified in the order:

Provided that if the Ordinance is not approved by the Court at such meeting, it shall cease to have effect.

(6) All Ordinances made by the Executive Council shall be submitted, as soon as may be, to the Visitor and the Court, and shall be considered by the Court at its next meeting; and the Court shall have power, by a resolution passed by a majority of not less than two-thirds of the members present and voting, to cancel any Ordinance made by the Executive Council, and any such Ordinance shall, from the date of such resolution, cease to have effect.”;

(d) in sub-section (7), for the words “two months from the date of such order”, the following shall be substituted, namely:—

“one month from the date of such order or on the expiration of fifteen days from the date of consideration of the Ordinance by the Court, whichever period expires later”;

(e) after sub-section (7), the following sub-section shall be inserted, namely:—

“(8) The Visitor may, at any time, after any Ordinance has been considered by the Court, signify to the Executive Council his disallowance of the Ordinance, and from the date of receipt by the Executive Council of intimation of such disallowance, the Ordinance shall cease to have effect.”.

Amendment of section 19.

19. In section 19 of the principal Act, to sub-section (3), the following proviso shall be added, namely:—

“Provided that any authority of the University which is dissatisfied with any such direction may, within two months of the date of such direction, appeal to the Court, whose decision thereon shall be final.”.

Substitution of new section 19A.

20. For section 19A of the principal Act, the following section shall be substituted, namely:—

“Constitution of boards and Committees.

“19A. Where any authority of the University is given power by this Act or by the Statutes to appoint boards or committees, such board or committee shall, unless there is some special provision to the contrary, consist of members of the authority concerned and of such other persons (if any) as the authority in each case may think fit.”.

21. (1) On the commencement of this Act,—

(a) the Standing Committee of the Academic Council shall stand dissolved and the members of the Standing Committee shall vacate their offices as such members;

Transitional provisions.

(b) the office of the Chief Rector shall stand abolished.

(2) Every authority of the University functioning immediately before the commencement of this Act shall, until the corresponding authority is constituted in accordance with the provisions of the principal Act as amended by this Act, exercise all the powers and perform all the duties of the corresponding authority under the principal Acts as so amended.

(3) Every officer of the University holding office immediately terms and conditions as he held it immediately before such commencement, hold his office by the same tenure and upon the same terms and conditions as he held it immediately before such commencement.

—————

THE SCHEDULE

[See section 17(2)]

THE STATUTES OF THE UNIVERSITY

Definitions. 1. In these Statutes,—

(a) "Act" means the Banaras Hindu University Act, 1915;

(b) all words and expressions used herein and defined in the Act shall have the meanings respectively assigned to them in the Act.

Appoint-
ment of
Pro-Vice
Chancellor.

2. (1) The Pro-Vice-Chancellor shall be appointed by the Executive Council on the recommendation of the Vice-Chancellor:

Provided that where the recommendation of the Vice-Chancellor is not accepted by the Executive Council, the matter shall be referred to the Visitor who may either appoint the person recommended by the Vice-Chancellor or ask the Vice-Chancellor to recommend another person to the Executive Council.

(2) The term of office of the Pro-Vice-Chancellor shall ordinarily be co-terminus with the term of office of the Vice-Chancellor:

Provided that, notwithstanding the expiry of the term of his office, the Pro-Vice-Chancellor shall continue in office until his successor is appointed and enters upon his office.

Duties
and
powers of
Pro-Vice-
Chancellor.

3. (1) The Pro-Vice-Chancellor shall assist the Vice-Chancellor in all matters; when the Vice-Chancellor, by reason of illness or absence for any other cause, is unable to exercise the powers and perform the duties of his office, the Pro-Vice-Chancellor shall exercise all the powers and perform all the functions of the Vice-Chancellor.

(2) In the absence of the Chancellor, the Pro-Chancellor and the Vice-Chancellor, the Pro-Vice-Chancellor shall preside at meetings of the Court.

(3) The Pro-Vice-Chancellor shall be entitled to be present at and to address any meeting of any authority or body or committee of the University but shall not be entitled to vote thereat unless he is a member of such authority or body or committee.

Appoint-
ment of
Treasurer.

4. (1) The Treasurer shall be appointed by the Executive Council from amongst persons who are not employees of the University and shall be a whole-time officer.

(2) The Treasurer shall hold office for a term of five years from the date on which he enters upon his office:

Provided that the Treasurer shall, notwithstanding the expiration of his term of office, continue to hold office until his successor is appointed and enters upon his office:

Provided further that, when the office of the Treasurer is vacant or when the Treasurer is, by reason of illness or absence for any other cause, unable to perform the duties of his office, the duties of the office, shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

5. (1) The Treasurer shall—

Duties and
Powers of
the Treasu-
rer.

(a) exercise general supervision over the funds of the University and shall advise it as regards its financial policy; and

(b) perform such other financial functions as may be assigned to him by the Executive Council or as may be prescribed by these Statutes or the Ordinances:

Provided that the Treasurer shall not incur any expenditure or make any investment exceeding Rs. 10,000 without the previous approval of the Executive Council.

(2) Subject to the control of the Executive Council, the Treasurer shall—

(a) hold and manage the property and investments including trust and endowed property for furthering any of the objects of the University;

(b) see that the limits fixed by the Finance Committee for recurring and non-recurring expenditure for a year are not exceeded and that all moneys are expended on the purposes for which they are granted or allotted;

(c) be responsible for the preparation of annual accounts and the budget of the University for the next financial year and for their presentation to the Executive Council;

(d) keep a constant watch on the state of the cash and bank balances and on the state of investments;

(e) watch the progress of collection of revenue and advise on the methods of collection employed;

(f) have the accounts of all institutions regularly audited by an internal audit party;

(g) see that the registers of buildings, land and equipment are maintained up-to-date and that the stock-checking is conducted of equipment and other consumable materials in all offices and colleges, and in the P.W.D. and Workshop stores;

(h) call for explanation for unauthorised expenditure and for other financial irregularities and suggest disciplinary action against the persons at fault;

(i) call for from any office or institution under the University any information or returns that he may consider necessary to discharge his financial responsibilities.

(3) The receipt of the Treasurer or of the person or persons duly authorised in this behalf by the Executive Council for any money payable to the University shall be sufficient discharge for the same.

Registrar.

6. (1) The Registrar shall be appointed by the Executive Council on the recommendation of a Selection Committee constituted for the purpose and shall be a whole-time officer.

(2) When the office of the Registrar is vacant or when the Registrar is, by reason of illness or absence for any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(3) The Registrar shall be the *ex officio* Secretary of the Court, the Executive Council, the Academic Council, the Selection Committees, the Finance Committee and the Faculties, but shall not be deemed to be a member of any of these authorities.

(4) The Registrar shall—

(a) be the custodian of the records, the common seal and such other properties of the University as the Executive Council shall commit to his charge;

(b) issue under the direction of the Vice-Chancellor all notices convening meetings of the Court, the Executive Council, the Academic Council, the Finance Committee, the Selection Committees, the Faculties, the Boards of Studies, the Boards of Examiners, the Boards of Moderators and of the committees appointed by the authorities of the University;

(c) maintain the minutes of all meetings of the Court, the Executive Council, the Academic Council, the Finance Committee, the Selection Committees, the Faculties and of the committees appointed by the authorities of the University;

(d) conduct the official correspondence of the Court, the Executive Council and the Academic Council;

(e) control the conduct of examinations and all other arrangements necessary therefor and the execution of all processes connected therewith;

(f) supply to the Visitor copies of the agenda of meetings of the authorities of the University as soon as they are issued and the minutes of the meetings of the authorities ordinarily within a month of the holding of the meetings;

(g) in an emergency, when neither the Vice-Chancellor nor the Pro-Vice-Chancellor is able to act, call a meeting of the Executive Council forthwith and take its directions for carrying on the work of the University;

(h) represent the University in suits or proceedings by or against the University, sign powers of attorney and verify pleadings or depute his representative for the purpose;

(i) perform such other duties as may be prescribed by these Statutes, the Ordinances and the Regulations or as may be required, from time to time, by the Executive Council or the Vice-Chancellor.

(5) (a) The Registrar shall have power to take disciplinary action against the employees belonging to the ministerial, subordinate-executive and class IV services and to suspend them pending enquiry, administer warnings to them or impose on them the penalty of censure or withholding of an increment:

Provided that no such penalty shall be imposed unless the person concerned has been given a reasonable opportunity to explain.

(b) An appeal shall lie to the Vice-Chancellor against any order of the Registrar imposing the penalty of withholding of the increment.

(c) In a case where the enquiry discloses that a punishment beyond the powers of the Registrar is called for, the Registrar shall, upon conclusion of the enquiry, make a report to the Vice-Chancellor along with his recommendations, and the decision of the Vice-Chancellor thereon shall be final.

7. (1) The Librarian shall be a whole-time officer appointed by Librarian. the Executive Council on the recommendation of a Selection Committee appointed by it and shall possess such qualifications as may be prescribed by the Executive Council.

(2) When the office of Librarian is vacant or when the Librarian is, by reason of illness or absence for any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(3) The duties and powers of the Librarian shall be regulated by the Ordinances.

Dean of
Students.

8. (1) The Dean of Students shall be appointed, from amongst employees of the University who are or who have been teachers of the University not below the rank of Reader, by the Executive Council on the recommendation of the Vice-Chancellor; the Dean shall be a whole-time employee of the University, shall hold office for a term of three years and shall be eligible for re-appointment.

(2) The person who is appointed as the Dean of Students shall continue to hold his lien on his substantive post and shall continue to subscribe to the University Provident Fund.

(3) When the office of the Dean of Students is vacant or when the Dean of Students is, by reason of illness or absence for any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(4) The duties and powers of the Dean of Students shall be regulated by the Ordinances.

Chief
Proctor.

9. (1) The Chief Proctor shall be a person not below the rank of Reader of the University, shall be appointed by the Executive Council from amongst the teachers of the University on the recommendation of the Vice-Chancellor and shall exercise such powers and perform such duties as may be assigned to him by the Vice-Chancellor.

(2) The Chief Proctor shall hold office for a term of two years and shall be eligible for re-appointment for a second term.

(3) When the office of Chief Proctor is vacant or when the Chief Proctor is, by reason of illness or absence for any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

Deans of
Faculties.

10. (1) There shall be a Dean for each Faculty; the head of each of the Departments within the Faculty, who is a Professor, shall, by rotation according to seniority, act as the Dean of the Faculty for a period of two years;

Provided that, in any Faculty,—

(i) if there is no Professor, the senior-most Reader shall act as Dean, and

(ii) if there is no Professor or Reader, the Vice-Chancellor or the Pro-Vice-Chancellor, if so designated by the Vice-Chancellor, shall act as the Dean.

(2) The Dean shall be the Chairman of the Faculty and shall be responsible for the due observance of these Statutes, the Ordinances and the Regulations relating to the Faculty.

(3) The Dean shall be responsible for the organisation and conduct of teaching and research work in the Departments comprised in the Faculty.

(4) The Dean shall exercise such other powers and perform such other functions and duties as may be assigned to him by the Executive Council or the Vice-Chancellor.

11. (1) The Court shall consist of the following members, The Court namely:—

A. Ex officio Members:

(i) The Chancellor	1
(ii) The Pro-Chancellor	1
(iii) The Vice-Chancellor	1
(iv) The Pro-Vice-Chancellor	1
(v) The remaining members of the Executive Council who are not otherwise members of the Court	6
(vi) The Treasurer	1
(vii) The Librarian	1
(viii) The Dean of Students	1
(ix) The Chief Proctor	1

B. Representatives of Departments and Colleges:

(x) All Deans of Faculties	9
(xi) Heads of Teaching Departments who are not Deans, by rotation according to seniority as indicated below:	10
From the Faculty of Arts	2
From the Faculty of Science	2
From the Faculty of Technology	2
From the Faculty of Oriental Learning and Theology	1

From the Faculty of Medical Sciences	1
From the Faculty of Music and Fine Arts	1
From the Faculties of Education and Agriculture	1

C. Representatives of Professors and Principals:

(xii) Professors who are not Heads of Departments, by rotation according to seniority	1
(xiii) The Principal, Women's College; and if there are two or more Women's Colleges, the Prin- cipals, by rotation according to seniority.	1
(xiv) The Principal, Central Hindu College (Kamachha)	1
The Principal, College of Medical Sciences	1

D. Representatives of Teachers other than Professors:

(xv) Two Readers by rotation according to seniority	2
(xvi) Two Lecturers by rotation according to seniority	2

E. Representatives of registered graduates:

(xvii) Ten representatives none of whom shall be a member or employee of any University, to be elected by the registered graduates perma- nently residing in each of the five regions mentioned below, from amongst themselves, through the system of proportional represen- tation by means of the single transferable vote, namely—	10
--	----

(1) the northern region comprising the States of Punjab, Rajasthan and Jammu and Kashmir and the Union territories of Delhi and Himachal Pradesh;

(2) the central region comprising the States of Uttar Pradesh and Madhya Pradesh;

(3) the eastern region comprising the States of Bihar, West Bengal, Orissa, Assam and Nagaland and the Union territories of Manipur, Tripura and the Andaman and Nicobar Islands;

(4) the western region comprising the States of Gujarat, Maharashtra and Mysore and the Union territories of Dadra and Nagar Haveli and Goa, Daman and Diu;

(5) the southern region comprising the States of Andhra Pradesh, Madras and Kerala and the Union territories of Pondicherry and the Laccadive, Minicoy and Amindivi Islands.

F. Representatives of Donors (i.e. persons who have donated to the University one lakh of rupees or more or property of like value):

- | | |
|---|---|
| (xviii) (a) Representatives of donors who are individuals, to be nominated by the Visitor | 8 |
| (b) Representatives of donors who are corporate bodies, to be nominated by the Visitor | 1 |

G. Representatives of Parliament:

- | | |
|---|---|
| (xix) Three representatives of Parliament, two to be elected by the Lok Sabha in such manner as the Speaker may direct and one to be elected by the Rajya Sabha in such manner as the Chairman may direct | 3 |
|---|---|

H. Persons representing Learned Professions, Industry and Commerce:

- | | |
|--|---|
| (xx) Five persons representing learned professions, to be nominated by the Executive Council | 5 |
| (xxi) Three persons representing Industry and Commerce, to be nominated by the Visitor | 3 |

I. Other Nominated Members:

- | | |
|--|----|
| (xxii) Not more than ten persons, to be nominated by the Visitor | 10 |
| (xxiii) One person to be nominated by the Rector | 1 |
| (xxiv) One person to be nominated by the Chancellor: | 1 |

Provided that in making nominations under items (xx), (xxi), (xxii) and (xxiv) due regard shall be had to the representation of the different interests, professions, cultures and learning and also of the different regions of the country:

Provided further that no employee of any University shall be eligible to be a member under any of the items (xvii), (xviii), (xix), (xx), (xxi), (xxii), (xxiii) and (xxiv).

(2) When an elected member of the Court becomes an *ex-officio* member before the expiry of his term, he shall cease to be an elected member.

(3) Save as otherwise expressly provided, a member of the Court shall hold office for a period of three years.

Notice of
meeting.

12. Notice of meetings of the Court shall be issued by the Secretary at least thirty days before the date of the meeting with an agenda paper, and no business which does not arise out of matters noted or mentioned in the agenda paper shall be considered unless the consent of at least two-thirds of the members of the Court present at the meeting be obtained thereto.

Notice of
proposals
or amend-
ments.

13. Every member who intends to bring forward any special business at a meeting of the Court or to propose any person for election as Chancellor or Pro-Chancellor shall give notice of such business or of the name of the person to be proposed, to the Secretary at least twenty days before the date appointed for such meeting; and every member who intends to propose an amendment shall give notice thereof to the Secretary ten days before the date fixed for the meeting.

Notice of
special
meeting.

14. A notice of twenty-one days of any special meeting of the Court stating generally the nature of the business to be transacted shall be sent to each member of the Court, and no such meeting shall be competent to transact any business other than that mentioned in the notice or directly arising out of it; any member desiring to send a proposal relating to the nature of the business specified in the notice shall send such proposal to the Secretary so as to reach him at least ten days before the date of the meeting.

The Ex-
ecutive
Council.

15. (1) The Executive Council shall consist of the following members, namely:—

- | | |
|---|---|
| (i) The Vice-Chancellor | 1 |
| (ii) The Pro-Vice-Chancellor | 1 |
| (iii) Three Deans, one from each of the following
three groups, by rotation according to seniority | 3 |

Group I

- (a) Faculty of Arts,
- (b) Faculty of Oriental Learning and Theology, and
- (c) Faculty of Education.

Group II

- (a) Faculty of Science,
- (b) Faculty of Technology, and
- (c) Faculty of Agriculture.

Group III

(a) Faculty of Law,	
(b) Faculty of Music and Fine Arts, and	
(c) Faculty of Medical Sciences.	
(iv) The Dean of Students	1
(v) The Chief Proctor	1
(vi) The Principal, Women's College, and if there are two or more Women's Colleges, the Principals by rotation according to seniority	1
(vii) Two persons, neither of whom shall be an employee of any University, elected by the Court from amongst its members of whom one shall be a person from outside the State of Uttar Pradesh	2
(viii) Four persons nominated by the Visitor	4
(ix) One person nominated by the Rector	1
(x) One person nominated by the Chancellor	1
	<hr/>
TOTAL	16

Provided that no employee of the University shall be eligible to be a member under any of the items (viii), (ix) and (x).

(2) Members of the Executive Council referred to in items (iii) and (vi) shall hold office for a term of two years and those referred to in items (vii) to (x) shall hold office for a term of three years.

(3) Seven members of the Executive Council shall form the quorum.

(4) The Registrar shall be the *ex-officio* Secretary of the Executive Council without any right of participation in the discussion or voting.

(5) When an elected member of the Executive Council becomes also an *ex-officio* member, he shall cease to be an elected member.

Powers of
the Execu-
tive
Council.

16. Subject to the provisions of the Act, these Statutes and the Ordinances, the Executive Council shall, in addition to any other powers vested in it, have the following powers, namely:—

(i) to appoint, from time to time, such Professors, Readers, Lecturers and other members of the teaching staff as may be necessary, on the recommendation of the Selection Committee constituted for the purpose, and to provide for filling temporary vacancies therein;

(ii) to fix the emoluments and define the duties and conditions of service of Professors, Readers, Lecturers and other members of the teaching staff:

Provided that no action shall be taken by the Executive Council in respect of the number, the qualifications and the emoluments of teachers otherwise than after consideration of the recommendation of the Academic Council;

(iii) to appoint the Registrar, the Dean of Students, the Chief Proctor, the Librarian and other salaried officers and staff of the University and to fix their emoluments and define their duties and conditions of service;

(iv) to manage and regulate the finances, accounts, investments, property, business and all other administrative affairs of the University and, for that purpose, to appoint such agents as it may think fit;

(v) to invest any money belonging to the University, including any unapplied income, in such stocks, funds, shares or securities, as it shall, from time to time, think fit, or in the purchase of immovable property in India, with the like powers of varying such investments from time to time;

(vi) (a) to accept on behalf of the University any trust, bequest, donation or transfer of any movable or immovable property to the University; and

(b) to transfer any movable or immovable property on behalf of the University;

(vii) to provide the buildings, premises, furniture, apparatus, and other means needed for carrying on the work of the University;

(viii) to enter into, vary, carry out and cancel contracts on behalf of the University;

(ix) to entertain, adjudicate upon, and if it thinks fit, to redress, any grievances of the salaried officers of the University,

the teaching staff and the University servants who may for any reason feel aggrieved:

Provided that, in matters of discipline and punishment, where the final power has been vested in the Vice-Chancellor or any other officer of the University, no appeal shall lie to the Executive Council;

(x) to appoint examiners and moderators and if necessary, to remove them, and to fix their fees, emoluments and travelling and other allowances after considering the recommendations of the Examination Committee constituted for the purpose, consisting of (a) the Vice-Chancellor, (b) the Pro-Vice-Chancellor, (c) three Deans of Faculties for two years by rotation according to seniority, and (d) the Registrar who shall be the member Secretary;

(xi) to maintain registers of Registered Graduates and of Donors to the University;

(xii) to select a common seal for the University, and provide for the custody and use of the seal;

(xiii) to manage Departments, Institutions of Research or Specialised Studies, Laboratories, Museums, and Hostels managed by the University;

(xiv) to arrange for and direct the inspection of Colleges, Departments, Institutions and Hostels and to issue instructions for maintaining their efficiency and ensuring proper conditions of employment for members of their staff;

(xv) to make arrangements, from time to time, for periodical assessment of the work of the teachers of the University;

(xvi) to institute and award fellowships including travelling fellowships, scholarships, studentships, medals and prizes;

(xvii) to regulate admission, and to appoint committees for admission, to the University;

(xviii) to direct the conduct of examinations in conformity with the Ordinances and the publication of the results thereof;

(xix) to delegate any of its powers to the Vice-Chancellor, the Pro-Vice-Chancellor, the Registrar or such other officer of the University or to a Committee appointed by it as it may deem fit.

17. The Executive Council shall, from time to time, appoint such person or persons as it may think proper, either by virtue of office or by name, to enter into, execute and sign contracts for and on be- Contracts.

half of the University, and to present them for registration according to the law in force for the time being.

Academic
Council.

18. (1) The Academic Council shall consist of the following members, namely:—

- (i) The Vice-Chancellor.
- (ii) The Pro-Vice-Chancellor.
- (iii) The Deans of Faculties.
- (iv) The Heads of Teaching Departments.
- (v) All Professors who are not Heads of Teaching Departments.
- (vi) The Librarian.
- (vii) The Dean of Students.
- (viii) The Chief Proctor.
- (ix) Two Readers and four Lecturers by rotation according to seniority.
- (x) The Principal, Women's College, and if there are two or more Womens' Colleges, the Principals.
- (xi) The Principal, Central Hindu College, Kamachha.
- (xii) Not more than five persons, not being employees of the University, co-opted by the Academic Council for their specialised knowledge.

(2) All members of the Academic Council, other than *ex officio* members, shall hold office for a term of three years:

Provided that a member co-opted in his capacity as a member of a particular body or committee or as the holder of a particular post shall hold office so long only as he continues to be a member of that body or committee or the holder of that post.

(3) Twenty-five members of the Academic Council shall form the quorum.

Powers,
duties
and
functions
of the
Academic
Council.

19. Subject to the provisions of the Act, the Academic Council shall, in addition to all other powers vested in it, have the following powers, duties and functions, namely:—

- (i) to report on any matter referred to it by the Court or the Executive Council;
- (ii) to make recommendations to the Executive Council with regard to the creation and abolition of teaching posts in the

University and the Colleges, and the classification of the said posts and the emoluments and duties attaching thereto;

(iii) to formulate, modify or revise schemes for the organisation of, and assignment of subjects to, Faculties and to report to the Executive Council as to the expediency of the abolition, reconstitution or division of any Faculty or the amalgamation of one or more Faculties;

(iv) to promote research within the University and to require, from time to time, reports on such research;

(v) to consider proposals submitted by the Faculties;

(vi) to recognise diplomas and degrees of other Universities and institutions and to determine their equivalent diplomas and degrees of the Banaras Hindu University;

(vii) to make special arrangements, if any, for the teaching of women students and for prescribing for them special courses of study, after consulting the Advisory Board of Women's Education;

(viii) to make such arrangements for the instruction and examination of persons, not being members of the University, as may be necessary;

(ix) to fix, subject to any conditions accepted by the Executive Council, the time, mode and conditions of competition for fellowships, scholarships and other prizes and to award the same;

(x) to make recommendations regarding the conferment or grant of degrees (including honorary degrees), academic distinctions, honours, diplomas, licenses, titles and marks of honour;

(xi) to publish lists of prescribed or recommended text-books and to publish the syllabus of prescribed courses of study;

(xii) to prepare such forms and registers as are, from time to time, prescribed by the Ordinances;

(xiii) to recommend to the Executive Council the rates of fees and charges;

(xiv) to make proposals to the Executive Council for the establishment of Colleges, Departments, Institutions of Research and Specialised Studies, Libraries, Laboratories, and Museums;

(xv) to make proposals to the Executive Council for the institution of fellowships, travelling fellowships, scholarships, student-ships, medals and prizes;

(xvi) to recommend to the Executive Council draft Ordinances regarding examinations of the University and the conditions on which students should be admitted to such examinations and the working, maintenance and use of the University Library;

(xvii) to maintain proper standards of examination;

(xviii) to perform, in relation to academic matters, all such duties and to do all such acts as may be necessary for the proper carrying out of the provisions of the Act, these Statutes and the Ordinances.

Finance
Com-
mittee.

20. (1) The Finance Committee shall consist of the following members, namely:—

(i) The Vice-Chancellor;

(ii) The Pro-Vice-Chancellor;

(iii) Two persons nominated by the Visitor;

(iv) Two persons, who are not employees of any University, one elected by the Court and one nominated by the Executive Council;

(v) The Treasurer.

(2) Three members of the Finance Committee shall form the quorum.

(3) All members of the Finance Committee, other than *ex-officio* members, shall hold office for a term of three years.

(4) The Vice-Chancellor shall preside at meetings of the Finance Committee.

(5) A member of the Finance Committee shall have the right to record a minute of dissent if he dissents from the other members.

(6) The Finance Committee shall meet at least twice every year to examine accounts and to scrutinise proposals for expenditure.

(7) The annual accounts and the budget of the University for the next financial year prepared by the Treasurer shall be laid before the Finance Committee for consideration and comments and thereafter submitted to the Executive Council for approval with or without amendments.

(8) The Finance Committee shall fix limits for the total recurring expenditure and the total non-recurring expenditure for the year, based on the income and resources of the University which, in the case of productive works, may include the proceeds of loans; no expenditure shall be incurred by the University in excess of the limits so fixed.

21. The University shall include the Faculties of—

Facul-
ties.

- (i) Oriental learning and Theology,
- (ii) Arts,
- (iii) Science.
- (iv) Law,
- (v) Technology,
- (vi) Medical Sciences,
- (vii) Agriculture,
- (viii) Education, and
- (ix) Music and Fine Arts.

22. (1) Each Faculty shall consist of the following members, Consti-
namely:—

tution
of Facul-
ties.

- (i) the Dean of the Faculty who shall be the Chairman;
- (ii) the Heads of Departments of studies in the Faculty;
- (iii) all Professors in the Faculty;
- (iv) one Reader and one Lecturer, by rotation according to seniority, from each Department in the Faculty;
- (v) one teacher, by rotation according to seniority, from the Women's Colleges;
- (v) one teacher, by rotation according to seniority, from the
cial knowledge of the subject or subjects concerned, nominated
by the Academic Council, one for each Department of the Facul-
ty, provided that the number of members to be nominated to
each of the Faculties of Law, Agriculture, Education and Music
and Fine Arts under this sub-clause, shall be five.

(2) The term of office of a member nominated under sub-clause
(vi) of clause (1) shall be three years from the date of his nomi-
nation.

23. (1) The Faculties shall have such powers and shall perform
such duties as may be assigned to them by these Statutes and the Powers
Ordinances and shall, from time to time, appoint such and so many Facul-
Boards of Studies in different branches of knowledge as may be pres-
cribed by the Ordinances. ties.

(2) The Faculties shall also consider and make such recommendations to the Academic Council on any question pertaining to their respective spheres of work as may appear to them necessary or on any matter referred to them by the Academic Council.

Depart-
ments
of Facul-
ties.

24. (1) The Departments of studies in existence in the University at the commencement of the Banaras Hindu University (Amendment) Act, 1964 and the Faculties relating thereto are set out in the Annexure to this Schedule.

(2) No Department shall be established, reconstituted, amalgamated with another, or divided or abolished except in accordance with the provisions of these Statutes.

(3) Each Department shall consist of the following members, namely:—

(i) Teachers of the Department;

(ii) Persons conducting research in the Departments;

(iii) Dean of the Faculty or Deans of the Faculties concerned;

(iv) Honorary Professors, if any, attached to the Department;

(v) Such other persons as may be members of the Department in accordance with the provisions of the Ordinances.

(4) Each Department shall have a Head who may be a University Professor or, if there is no Professor, a Reader, and whose duties, functions and terms and conditions of appointment shall be laid down by the Ordinances:

Provided that, if there are two or more Professors or Readers in any Department, no person shall be appointed to be the Head of the Department otherwise than in accordance with the provisions made in respect thereof by the Ordinances:

Provided further that, if there is no Professor or Reader in a Department, the Dean of the Faculty concerned shall act as the Head of the Department.

Com-
mittees.

25. The Court, the Executive Council, the Academic Council or any Faculty may appoint Boards or Committees consisting of members of the authority making such appointment and such other persons (if any) as that authority in each case may think fit; and any

such Board or Committee may deal with any subject assigned to it subject to subsequent confirmation by the authority which appointed it.

26. (1) (a) There shall be Selection Committees for making recommendations to the Executive Council for appointment to the posts of Professors, Readers, Lecturers and Registrar. tion Committees.

(b) Every Selection Committee shall consist of the Vice-Chancellor who shall be the Chairman thereof, the Pro-Vice-Chancellor and a person nominated by the Visitor; and, in addition, the Selection Committee for making recommendations for appointment to a post specified in column (1) of the Table below shall have as its members the persons specified in the corresponding entry in column (2) of the said Table.

TABLE

(1)	(2)
Professor	<p>(1) The Dean of the Faculty concerned ;</p> <p>(2) The Head of the Department concerned if he is a professor; and</p> <p>(3) Three persons not connected with the University who have special knowledge of the subject with which the person to be appointed will be concerned, to be nominated by the Executive Council.</p>
Reader, Lecturer	<p>(1) The Dean of the Faculty concerned ;</p> <p>(2) The Head of the Department concerned, if he is a professor; and</p> <p>(3) Two persons not connected with the University who have special knowledge of the subject with which the person to be appointed will be concerned, to be nominated by the Executive Council.</p>
Registrar	Three members of the Executive Council nominated by it.

(2) The procedure to be followed by a Selection Committee in making recommendations shall be determined by the Executive Council.

(3) If the Executive Council is unable to accept any recommendation made by the Committee, it shall record its reasons and submit the case to the Visitor for orders.

Elected
Chair-
man to
preside
where no
provi-
sion made
in Statu-
tes.

27. Where, by these Statutes, no provision is made for the President or Chairman to preside over a meeting of any University authority, Board or Committee, or when the President or Chairman so provided for is absent, the Members present shall elect one among themselves to preside at the meeting.

Re-ap-
pointment
and re-
election.

28. Save as otherwise provided in the Act, these Statutes or the Ordinances, every officer of the University and every member of any University authority whose term of office or of membership has expired shall be eligible for re-appointment or re-election, as the case may be.

Resigna-
tion.

29. (1) Any member other than an *ex officio* member of the Court, the Executive Council, the Academic Council or any other University authority may resign his membership by letter addressed to the Registrar, and the resignation shall take effect as soon as such letter is received by the Registrar.

(2) An Officer of the University (whether salaried or otherwise), other than a Dean, may resign his office by letter addressed to the Registrar:

Provided that such resignation shall take effect only on the date from which the same is accepted by the authority competent to appoint such officer.

Removal
from ser-
vice.

30. (1) Notwithstanding anything contained in the terms of his contract or appointment, an employee of the University, salaried or otherwise, may be removed from the service by the authority which is competent to appoint the employee, on any one or more of the following grounds, namely:—

(i) the employee has become physically incapable of performing his duties; or

(ii) the employee has become unsound in mind, deaf-mute or blind; or

(iii) the employee suffers from contagious leprosy; or

(iv) the employee has become an undischarged insolvent; or

(v) the employee has been convicted by a court of an offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than six months, and a period of five years has not elapsed since his release:

Provided that no such action shall be taken unless the employee has been given a reasonable opportunity to explain:

Provided further that nothing in this clause shall be deemed to affect any rights accruing to an employee appointed on contract in accordance with the terms of that contract.

(2) Notwithstanding anything contained in the terms of his contract or appointment, the Executive Council may terminate the engagement of an employee—

(a) for—

(i) misconduct, or

(ii) physical unfitness, or

(iii) inefficiency, or

(iv) breach on his part of one or more of the terms of his contract with the University, in each case, after calling for and considering his explanation; or

(b) after giving four months' notice or four months' salary in lieu thereof.

31. (1) Whenever, in accordance with these Statutes, any person is to hold any office or be a member of any authority of the University by rotation according to seniority, such seniority as between two persons holding permanent posts of similar rank or grade shall be determined in accordance with the length of continuous permanent service in such rank or grade and in the case of two persons in temporary service in similar rank or grade, seniority shall be determined in accordance with the length of continuous temporary service in such rank or grade; between a permanent employee and a temporary employee in the same rank or grade, the permanent employee shall be senior.

(2) It shall be the duty of the Registrar to prepare and maintain in respect of each class of persons to whom the provisions of this Statute apply, a complete and up-to-date seniority list in accordance with the provisions of the foregoing clause.

(3) If two or more persons have equal length of continuous service in a particular grade or post, or the relative seniority of any person or persons is otherwise in doubt, the Registrar may, on his own motion, and shall, at the request of any such person, submit the matter to the Executive Council whose decision thereon shall be final.

32. Notwithstanding anything contained in these Statutes, a person who holds any office in the University or is a member of any authority or body or committee of the University in his capacity as a member of any other authority or body or committee, or as the holder any appointment, shall hold the office

or be a member of the authority or body or committee of the University so long only as he continues to be a member of that other authority or body or committee, or the holder of that particular appointment, as the case may be.

Filling of
casual
vacancies.

33. All casual vacancies in the office of member (other than an *ex officio* member) of any authority or body, or committee of the University shall be filled, as soon as conveniently may be, by the officer or authority or body or committee who has power to appoint, elect or co-opt the member whose place has become vacant, and the person so appointed, elected or co-opted in a casual vacancy shall be a member of such authority or body or committee for the residue of the term for which the person whose place he fills would have been a member.

With-
drawal of
privileges
from
colleges
and insti-
tutions.

34. (1) In respect of colleges and other institutions admitted to the privileges of the University under sub-section (2) of section 15 the following provisions shall apply.

(2) The provisions referred to in clause (1) are the following:—

(i) every such college or institution shall have a regularly constituted Managing Body, consisting of not more than twenty persons, approved by the Executive Council and including, among others, at least two representatives of the University and at least three representatives of the teaching staff, of whom the Principal of the College or institution shall be one;

(ii) appointments to the teaching staff of such college or institution shall be made on the recommendation of a selection committee constituted by the Managing Body; every such selection committee shall include the Principal (unless the post to be filled is that of the Principal), at least one of the representatives of the University on the Managing Body and one expert nominated by the Academic Council;

(iii) every such college or institution shall be inspected at least once every year by a committee appointed by the Academic Council and the report of that committee shall be submitted to the Academic Council which shall forward the same to the Executive Council with such recommendations as it may deem fit to make;

(iv) the Executive Council, after considering the report and the recommendations, if any, of the Academic Council shall forward a copy of the report to the Managing Body of the college

or institution with such remarks, if any, as it may deem fit, for suitable action;

(v) the Executive Council may, after consulting the Academic Council, withdraw all, or any of, the privileges granted to a college or institution if at any time it considers that the college or institution is not fulfilling the requisite conditions:

Provided that before any privileges are so withdrawn the Managing Body shall be given an opportunity to represent to the Executive Council why such action should not be taken; and

(vi) subject to the provisions of this Statute, the Ordinances may prescribe any other conditions which may be considered necessary and also the procedure for the withdrawal of all, or any of, the privileges from the colleges and institutions admitted to the privileges of the University.

35. (1) Every graduate of the University of not less than 5 years' standing shall be entitled to be registered and to have his name entered in the register of Registered Graduates, the period of 5 years being computed from the date of conferment of the first degree by the University on the person concerned. Registered Graduates.

(2) Every person who intends to become a registered graduate shall make an application to the Registrar in such form and on payment of such fee as may be prescribed by the Ordinances.

(3) If any question arises as to whether a person is entitled to have his name entered in the Register of Registered Graduates, it shall be decided by the Vice-Chancellor whose decision thereon shall be final.

(4) No Registered graduate shall be entitled to vote at, or stand as candidate for, an election to the Court from among the Registered Graduates unless his name has been entered in the Register of Registered Graduates for at least one year prior to the date of the election.

36. (1) The names and addresses of all persons who have made a donation of one lakh of rupees or more or have transferred property of the like value to the University shall be maintained in a register kept for the purpose by the Secretary of the Court. List of Donors.

(2) A similar register shall be kept showing the names and addresses of representatives of corporate bodies, firms, companies, trusts and joint Hindu families, who have made to the University a donation of one lakh of rupees or more or have transferred property of like value.

(3) Every person whose name is entered in either register shall be a registered donor of the University.

**Honorary
Degrees.**

37. (1) The Degree of Doctor of Letters (D. Litt.), or Mahamahopadhyaya, *Honoris Causa*, shall be conferred upon such persons as have contributed substantially to the advancement of Literature, Philosophy, Art, Music, Painting or any other subject assigned to the Faculty of Arts, or for conspicuous service rendered by them to the cause of education.

(2) The Degree of Doctor of Science (D.Sc.) *Honoris Causa*, shall be conferred upon such persons as have contributed substantially to the advancement of any branch of science or technology or to planning, organising or developing scientific and technological institutions in the country.

(3) The Degree of Doctor of Laws (LL.D) *Honoris Causa* shall be conferred upon persons, who are distinguished lawyers, judges, or jurists, statesmen or have made noteworthy contribution to public good.

**Emeritus
Professor
and Visit-
ing Pro-
fessor.**

38. (1) A retired Professor of the Banaras Hindu University who has acquired distinction in the field of scholarship and research and has published any work of merit may, on the recommendation of the Vice-Chancellor supported with reasons and of the Academic Council, be appointed as Emeritus Professor on such terms as may be prescribed by the Ordinances in this regard.

(2) A scholar of eminence who has acquired distinction in the field of scholarship and research and has published any work of merit may, on the recommendation of the Vice-Chancellor supported with reasons, be invited by the Academic Council to deliver lectures in the University for a specified period on such terms as may be prescribed by the Ordinances.

**Provision
for main-
tenance of
Central
Hindu
School.**

39. (1) The Executive Council shall make provision for the maintenance of the Central Hindu School and other schools which have been established in accordance with the Act, these Statutes or the Regulations.

(2) The management of such schools shall be in accordance with the Ordinances made in this behalf.

**Properties
of the
Schools to
be proper-
ties of
the Uni-
versity.**

40. The schools referred to in Statute 39 and all their buildings, properties, furniture, apparatus and books and accounts shall be the property of the University.

PROVIDENT FUND OF EMPLOYEES

41. Every employee of the University, appointed permanently, or on probation, to a substantive post shall, as a condition of his service, subscribe to the Provident Fund eight and one-third per cent. of his salary; such subscription shall be deducted from his salary every month, fractions of a rupee of the salary being omitted.

Subscription by employee.

42. (1) The University shall contribute to the Fund a sum equal to such percentage of the salary of each employee as may be approved by the Central Government.

Contribution by the University.

(2) Such contribution shall be credited to the account of the employee concerned and charged to the University accounts under the head "Provident Fund":

Provided that in the case of a person appointed on probation such contribution shall be added to the Fund only on his confirmation credit being given from the date on which the subscription was deducted each time from his salary.

43. The amount of the deduction made from the salary of an employee under Statute 41 and the amount of the contribution made by the University under Statute 42 shall be deposited in the Post Office Savings Bank or in the State Bank as the Executive Council may direct, in the name of the Fund as early as practicable or at any rate within three days of the date on which the payment of the salary is made.

Deposit in Bank.

44. (1) The University may, from time to time, invest such part of the Provident Fund, as may be considered expedient, in such Government securities as the Executive Council may determine, and may change the nature of the securities.

Investment in securities.

(2) All interest or profit realized from the securities or from any deposit or account arising out of the Fund, shall, after deducting the incidental expenses of investment or realization, be credited to the Provident Fund account to be distributed rateably in the account of each subscriber.

45. (1) On a written application from a subscriber to the Provident Fund and with the approval of the Executive Council, the University may allow premia on the Life Insurance policy of the subscriber to be paid out of the subscriber's share in his Provident Fund.

Payment of Insurance premia.

(2) In all such cases, the Life Insurance policy for which the premia are so paid shall be assigned in favour of the University and the policy shall, on the retirement of the subscriber from the service of the University, be re-assigned to him by the University. In case of maturity of the policy during the service of the subscriber in the University, the full amount of the policy shall be credited to the Provident Fund of the subscriber and in the case of the death of the subscriber during the service, the full amount of the policy shall be paid to the legal representative of the deceased entitled to the Provident Fund.

Amount
when
payable.

46. The amount at the credit of any subscriber shall be payable—

(a) on the death of the subscriber, to the person or persons nominated by him or, when no such nomination is made, to his legal heir or heirs;

(b) on his ceasing to be in the service of the University, to such subscriber, provided—

(i) that no subscriber who has been dismissed for what is considered by the Executive Council as gross misconduct, shall, if the Executive Council so directs, be entitled to the benefit or to receive any part of any sum at any time contributed by the University to the Fund or the interest or profit thereon;

(ii) that if any subscriber resigns his appointment before putting in five years' service, the University may withhold the contribution allotted to him, together with the interest thereon, and pay to the subscriber only the balance at his credit without such contribution or the interest on or profit from such contribution.

Recovery
of loss or
damage.

47. The University shall not be entitled to recover from the amount to the credit of any subscriber on account of subscriptions made by him thereto (including interest on or profit from such subscriptions), any sum on account of any loss or damage sustained by the University through the misconduct or negligence of the subscriber or any other sum due by him; any such loss or damage sustained by the University or other liability incurred by the subscriber to the University, shall, however, be recoverable from the contribution made by the University to his account including interest or profit thereon.

48. Any contribution and interest or profit, withheld under these Statutes, shall lapse to the University.

Lapse of withheld contribution.

49. (1) In case of urgent necessity, which in the opinion of the Executive Council justifies the course, the University may allow a subscriber an advance of a sum, not exceeding his salary for three months, out of the amount subscribed by him with interest thereon (excluding the contribution of the University and the interest or profit thereon).

Advances.

(2) The advance shall be recovered in such number of monthly instalments, not exceeding twenty-four as the Executive Council may fix, and shall be recovered by deduction from the salary payable by the University to such subscriber; the amount of such instalments shall be fixed in whole rupees, and the deductions shall commence from the first payment of a full month's salary, after such advance has been made, and the last instalment shall cover the entire balance then due.

(3) Notwithstanding anything in clause (1), if an advance is required for the purpose of building or purchasing a house, the maximum limit of the advance may be equal to twelve months' salary of the subscriber out of his subscription to the Fund, to be repaid in such number of instalments, not exceeding forty-eight, as the Executive Council may determine.

(4) A subscriber may at his option pay at any time any additional sum above the amount fixed.

(5) No subsequent advance shall ordinarily be made until the lapse of three months from the date when the previous advance has been fully repaid.

50. An employee, who is on leave on full pay, shall continue to subscribe to the Provident Fund and may do so at his option, if he is on leave on less than full pay.

Subscription during leave

51. A separate account in Form A shall be kept in the office of the University on account of every employee subscribing to the Provident Fund, and a copy of the account shall be furnished to every such employee at the end of each financial year and on his ceasing to be an employee.

Annual statement of account.

Provident Fund, Banaras Hindu University deposit account for the year ending the 31st of March, 196 .

[illegible]

Provi-
dent
Fund
Ledger.

52. (I) Accounts credited or debited to the Provident Fund shall on the same day be posted to the Provident Fund Ledger in Form B, given below. The figures for column 6 in the ledger will be calculated yearly as also the net balance of each account entered in columns 7 and 10.

Provident Fund ledger, Banaras Hindu University, Banaras

[illegible]

Employees
who are
not eligi-
ble.

56. Notwithstanding anything contained in these Statutes, no employee of the University shall be entitled to the benefit of the Provident Fund if he is otherwise entitled to a pension or the University contributes towards his pension and leave allowance or he has been appointed by the University on a consolidated salary on special terms.

Gratuity.

57. Where any employee of the University has been in continuous service, whether before or after the commencement of the Banaras Hindu University (Amendment) Act, 1964, for not less than ten years, and—

- (i) he retires from service on account of incapacity; or
- (ii) he dies while in service;

the employee or, in the case of his death, the dependent members of his family, shall be paid, on such retirement or death, by the University such gratuity as the Executive Council may determine in the circumstances of each case, the amount of gratuity being calculated at a rate not exceeding one-half month's salary last drawn by the employee for every completed year of service or any part thereof in excess of six months:

Provided that in no case the total amount of gratuity so determined shall exceed fifteen months' salary last drawn by the employee.

ANNEXURE

[See Statute 24(1)]

LIST OF DEPARTMENTS IN THE BANARAS HINDU UNIVERSITY

Faculty of Arts

1. Department of English
2. Department of Hindi
3. Department of Sanskrit and Pali
4. Department of Economics
5. Department of Commerce
6. Department of Philosophy
7. Department of History
8. Department of Politics
9. Department of Arabic, Urdu and Persian
10. Department of Ancient Indian History, Culture and Archaeology
11. Department of Art and Architecture
12. Department of Indian Philosophy and Religion
13. Department of Foreign Languages
14. Department of Indian Languages
15. Department of Psychology
16. Department of Indo-Sumerian Studies.

Faculty of Science

1. Department of Mathematics
2. Department of Botany
3. Department of Chemistry
4. Department of Geology
5. Department of Physics
6. Department of Geography
7. Department of Zoology
8. Department of Spectroscopy
9. Department of Geophysics.

Faculty of Technology

1. Department of Metallurgy
2. Department of Mining

3. Department of Silicate Technology
4. Department of Pharmaceutics
5. Department of Chemical Engineering and Chemical Technology
6. Department of Mechanical Engineering
7. Department of Electrical Engineering
8. Department of Civil and Municipal Engineering.

Faculty of Medical Sciences

1. Department of Ayurveda
2. Department of Surgery
3. Department of Anatomy
4. Department of Medicine
5. Department of Bio-Chemistry and Bio-Physics
6. Department of Pharmacology
7. Department of Pathology and Bacteriology
8. Department of Social and Preventive Medicine
9. Department of Obstetrics and Gynaecology
10. Department of Physiology.

Faculty of Law

Department of Law.

Faculty of Music and Fine Arts

Department of Music.

Faculty of Oriental Learning and Theology

1. Department of Ayurveda
2. Department of Darshan
3. Department of Vyakaran
4. Department of Religious Instructions
5. Department of Jyotish
6. Department of Theology
7. Department of Dharmashastra and Mimansa.

Faculty of Education

Department of Education.

Faculty of Agriculture

Department of Agriculture.

STATEMENT OF OBJECTS AND REASONS

The report of the Banaras Hindu University Enquiry Committee appointed by the President, in his capacity as the Visitor of the University, to enquire into the state of affairs of the University had revealed certain disquieting features and un-healthy influences which had been undermining the discipline of the University. On a preliminary consideration of the recommendations of the Committee, the President promulgated the Banaras Hindu University (Amendment) Ordinance, 1958 on the 14th June, 1958 to amend the Banaras Hindu University Act, 1915. The Ordinance was later replaced by the Banaras Hindu University (Amendment) Act, 1958. Both the Ordinance and the amending Act were temporary measures to tide over the difficult situation which was prevalent in the University at that time and the intention was to bring before Parliament in due course a comprehensive long-term legislation for the University after detailed examination of the various recommendations of the Enquiry Committee. The recommendations have been examined in consultation with the authorities concerned and the present Bill seeks to amend the Banaras Hindu University Act, 1915 for the purpose of embodying the long-term legislative proposals for the better working of the University.

2. The main features of the Bill are:—

(a) With a view to emphasising the residential nature of the Banaras Hindu University, it is proposed that the University should not in future affiliate any college or institution maintained by other agencies. Provision in this regard has been made in clause 14 of the Bill without in any way affecting the rights and privileges of colleges and institutions already affiliated to the University.

(b) The Court is proposed to be made the supreme authority of the University with powers—

(i) to review from time to time the broad policies and programmes of the University;

(ii) to suggest general measures for the improvement and development of the University;

(iii) to review the acts of other authorities of the University such as Executive Council and Academic Council

except where such authorities have acted in accordance with the powers conferred by or under the Act.

The Court will also consider the annual report, annual accounts and the budget of the University and can approve the budget with or without modifications. Care has, however, been taken to see that the Court will not interfere with the Executive Council in the day-to-day administration of the University.

(c) The Court itself will be reconstituted. It will be a compact body consisting of 83 members half of whom will be from the University and the remaining half from outside the University, with a view to ensuring the balance between the two elements.

(d) The Reviewing Committee set up under the Banaras Hindu University (Amendment) Ordinance, 1958 [replaced by the Banaras Hindu University (Amendment) Act, 1958] to inquire into the cases of the persons who on the 14th day of June, 1958 were holding any teaching, administrative or other post in the University and whose continuance in office was considered detrimental to the interests of the University will stand abolished, the work of the Committee having been completed.

(e) The Standing Committee of the Academic Council is also abolished and its functions are being restored to the Academic Council.

(f) The term of office of the Vice-Chancellor is six years and he is not eligible for re-appointment. It is now proposed to reduce the term to five years but the Vice-Chancellor will be eligible for re-appointment for a second term.

(g) The Vice-Chancellor will be empowered to expel any student from the University if such a course according to his opinion is necessary for the maintenance of discipline in the University after observing the principles of natural justice.

(h) The offices of the Provost and Chief Rector have been abolished but there will be a Rector and this office will be held by the Governor of Uttar Pradesh.

(i) The Treasurer of the University will hereafter be whole-time salaried officer.

(j) Provision has been made for the University to borrow money with the approval of the Central Government.

3. Opportunity is also being taken—

(a) to strengthen the provisions relating to the arbitration of disputes arising out of contracts between the University and any of its officers or teachers;

(b) to ensure the presence of a nominee of the Visitor in every Selection Committee charged with the duty of selecting officers of the University.

NEW DELHI;

M. C. CHAGLA.

The 29th September, 1964.

II

BILL NO. XIV OF 1964

A Bill to provide for the regulation of registration of births and deaths and for matters connected therewith.

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title,
extent and
commen-
cement.

1. (1) This Act may be called the Registration of Births and Deaths Act, 1964.

(2) It extends to the whole of India.

(3) It shall come into force in a State on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different parts of a State.

Definitions
and inter-
pretation.

2. (1) In this Act, unless the context otherwise requires,—

(a) "birth" means live-birth or still-birth;

(b) "death" means the permanent disappearance of all evidence of life at any time after live-birth has taken place;

(c) "foetal death" means absence of all evidence of life prior to the complete expulsion or extraction from its mother of a product of conception irrespective of the duration of pregnancy;

(d) "live-birth" means the complete expulsion or extraction from its mother of a product of conception, irrespective of the duration of pregnancy, which, after such expulsion or extraction, breathes or shows any other evidence of life, and each product of such birth is considered live-born;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "State Government", in relation to a Union territory, means the Administrator thereof;

(g) "still-birth" means foetal death where a product of conception has attained at least the prescribed period of gestation.

(2) Any reference in this Act to any law which is not in force in any area shall, in relation to that area, be construed as a reference to the corresponding law, if any, in force in that area.

CHAPTER II

REGISTRATION-ESTABLISHMENT

3. (1) The Central Government may, by notification in the Official Gazette, appoint a person to be known as the Registrar-General, India.

Registrar-General,
India.

(2) The Central Government may also appoint such other officers with such designations as it thinks fit for the purpose of discharging, under the superintendence and direction of the Registrar-General, such functions of the Registrar-General under this Act as he may, from time to time, authorise them to discharge.

(3) The Registrar-General may issue general directions regarding registration of births and deaths in the territories to which this Act extends, and shall take steps to co-ordinate and unify the activities of Chief Registrars in the matter of registration of births and deaths and submit to the Central Government an annual report on the working of this Act in the said territories.

Chief
Registrar.

4. (1) The State Government may, by notification in the Official Gazette, appoint a Chief Registrar for the State.

(2) The State Government may also appoint such other officers with such designations as it thinks fit for the purpose of discharging, under the superintendence and direction of the Chief Registrar, such of his functions as he may, from time to time, authorise them to discharge.

(3) The Chief Registrar shall be the chief executive authority in the State for carrying into execution the provisions of this Act and the rules and orders made thereunder subject to the directions, if any, given by the State Government.

(4) The Chief Registrar shall take steps, by the issue of suitable instructions and otherwise, to co-ordinate, unify and supervise the work of registration in the State for securing an efficient system of registration and shall prepare and submit to the State Government, in such manner and at such intervals as may be prescribed, a report on the working of this Act in the State along with the statistical report referred to in sub-section (2) of section 19.

Registra-
tion divi-
sions.

5. The State Government may, by notification in the Official Gazette, divide the territory within the State into such registration divisions as it may think fit and prescribe different rules for different registration divisions.

District
Registrar.

6. (1) The State Government may appoint a District Registrar for each revenue district and such number of Additional District Registrars as it thinks fit who shall, subject to the general control and direction of the District Registrar, discharge such functions of the District Registrar as the District Registrar may, from time to time, authorise them to discharge.

(2) The District Registrar shall superintend, subject to the direction of the Chief Registrar, the registration of births and deaths in the district and shall be responsible for carrying into execution in the district the provisions of this Act and the orders of the Chief Registrar issued from time to time for the purposes of this Act.

Registrars.

7. (1) The State Government may appoint a Registrar for each local area comprising the area within the jurisdiction of a municipality, panchayat or other local authority or any other area or a combination of any two or more of them:

Provided that the State Government may appoint in the case of a municipality, panchayat or other local authority, any officer or other employee thereof as a Registrar.

(2) Every Registrar shall, without fee or reward, register all information given to him under section 8 or section 9 and shall also take steps to inform himself carefully of every birth and of every death which takes place in his jurisdiction and to ascertain and register the particulars required to be registered.

(3) Every Registrar shall have an office in the local area for which he is appointed.

(4) Every Registrar shall attend his office for the purpose of registering births and deaths on such days and at such hours as the Chief Registrar may direct and shall cause to be placed in some conspicuous place on or near the outer door of the office of the Registrar a board bearing, in the local language, his name with the addition of Registrar of Births and Deaths for the local area for which he is appointed, and the days and hours of his attendance.

(5) The Registrar may, with the prior approval of the Chief Registrar, appoint Sub-Registrars and assign to them any or all of his powers and duties in relation to specified areas within his jurisdiction.

CHAPTER III

REGISTRATION OF BIRTHS AND DEATHS

8. (1) It shall be the duty of the persons specified below to give or cause to be given, either orally or in writing, according to the best of their knowledge and belief, within such time as may be prescribed, information to the Registrar of the several particulars required to be entered in the forms prescribed by the State Government under sub-section (1) of section 16,—

Persons
required
to register
births
and
deaths.

(a) in respect of births and deaths in a house, whether residential or non-residential, not being any place referred to in clauses (b) to (e) of this sub-section, the head of the house or, in case more than one household live in the house, the head of the household, the head being the person, who is so recognised by the house or the household, and if he is not present in the house at any time during the period within which the birth or death has to be reported, the nearest relative of the head present in the house, and in the absence of any such person, the oldest adult male person present therein during the said period;

(b) in respect of births and deaths in a hospital, health centre, maternity or nursing home or other like institution, the medical officer in charge or any person authorised by him in this behalf;

(c) in respect of births and deaths in a jail, the jailor in charge;

(d) in respect of births and deaths in a choultry, chattram, hostel, dharmasala, boarding-house, lodging-house, tavern, barrack, toddy shop or place of public resort, the person in charge thereof;

(e) in respect of any new-born child or dead body found deserted in a public place, the headman or other corresponding officer of the village in the case of a village and the officer in charge of the local police station elsewhere:

Provided that any person who finds such child or dead body, or in whose charge such child or dead body may be placed, shall notify such fact to the headman or officer aforesaid;

(f) in any other place, such person as may be prescribed.

(2) Notwithstanding anything contained in sub-section (1), the State Government, having regard to the conditions obtaining in a registration division, may by order require that for such period as may be specified in the order, any person specified by the State Government by designation in this behalf, shall give or cause to be given information regarding births and deaths in a house referred to in clause (a) of sub-section (1) instead of the persons specified in that clause.

Special provision regarding births and deaths in a plantation.

9. In the case of births and deaths in a plantation, the superintendent of the plantation shall give or cause to be given to the Registrar the information referred to in section 8:

Provided that the persons referred to in clauses (a) to (f) of sub-section (1) of section 8 shall furnish the necessary particulars to the superintendent of the plantation.

Explanation.—In this section, the expression “plantation” means any land not less than ten acres in extent which is being prepared for the production of, or actually produces, tea, coffee, pepper, rubber, cardamom, cinchona or such other products as the State Government may by notification in the Official Gazette specify and the expression “superintendent of the plantation” means the person having the charge or supervision of the labourers and work in the plantation, whether called a manager, superintendent or by any other name.

Duty of certain persons to notify births and deaths

10. (1) It shall be the duty of—

(i) the midwife or any other medical or health attendant at a birth or death;

(ii) the sweeper in a municipality, panchayat or other local authority; and to certify cause of death,

(iii) the keeper or the owner of a place set apart for the disposal of dead bodies or any person required by a local authority to be present at such place, or

(iv) any other person whom the State Government may specify in this behalf by his designation,

to notify every birth or death or both at which he or she attended or was present, or which occurred in such areas as may be prescribed, to the Registrar within such time and in such manner as may be prescribed.

(2) In any area, the State Government, having regard to the facilities available therein in this behalf, may require that a certificate as to the cause of death shall be obtained by the Registrar from such person and in such form as may be prescribed.

(3) Where the State Government has required under sub-section (2) that a certificate as to the cause of death shall be obtained, in the event of the death of any person who, during his last illness, was attended by a medical practitioner, the medical practitioner shall forthwith, after the death, issue, without charging any fee, to the person required under this Act to give information concerning the death, a certificate in the prescribed form stating to the best of his knowledge and belief the cause of death; and the certificate shall be received and delivered by such person to the Registrar at the time of giving information concerning the death as required by this Act.

11. Every person who has orally given to the Registrar any information required under this Act shall write in the register his name, description and place of abode, and, if he cannot write, shall put his thumb mark in the register against his name, description and place of abode, the particulars being in such a case entered by the Registrar. Informant to sign the register.

12. The Registrar shall, as soon as the registration of a birth or death has been completed, give, free of charge, to the person who gives information under section 8 or section 9 an extract of the prescribed particulars under his hand from the register relating to such birth or death. Extracts of registration entries to be given to informant.

Delayed
and
declared
registration
of births
and deaths.

13. (1) Any birth or death of which information is given to the Registrar after the expiry of the period specified therefor, but within thirty days of its occurrence, shall be registered on payment of such late fee as may be prescribed.

(2) Any birth or death of which delayed information is given to the Registrar after thirty days but within one year of its occurrence shall be registered only with the written permission of the prescribed authority and on payment of the prescribed fee and the production of an affidavit made before a notary public or any other officer authorised in this behalf by the State Government.

(3) Any birth or death which is declared in the prescribed manner and has not been registered within one year of its occurrence shall be registered only on an order made by a magistrate of the first class or a Presidency Magistrate after verifying the correctness of the birth or death and on payment of the prescribed fee.

(4) The provisions of this section shall be without prejudice to any action that may be taken against a person for failure on his part to register any birth or death within the time specified therefor and any such birth or death may be registered during the pendency of any such action.

Registra-
tion of
name of
child.

14. Where the birth of any child has been registered without a name, the parent or guardian of such child shall within the prescribed period give information regarding the name of the child to the Registrar either orally or in writing and thereupon the Registrar shall enter such name in the register and initial and date the entry.

Correc-
tion or
cancel-
lation of
entry in
the
register
of births
and
deaths.

15. If it is proved to the satisfaction of the Registrar that any entry of a birth or death in any register kept by him under this Act is erroneous in form or substance, or has been fraudulently or improperly made, he may, subject to such rules as may be made by the State Government with respect to the conditions on which and the circumstances in which such entries may be corrected or cancelled, correct the error or cancel the entry by suitable entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereto the date of the correction or cancellation.

CHAPTER IV

MAINTENANCE OF RECORDS AND STATISTICS

Regis-
trars to
keep re-
gisters in
the
prescribed
form.

16. (1) Every Registrar shall keep in the prescribed form a register of births and deaths for the registration area or any part thereof in relation to which he exercises jurisdiction.

(2) The Chief Registrar shall cause to be printed and supplied a sufficient number of register books for making entries of births and deaths according to such forms and instructions as may, from time to time, be prescribed; and a copy of such forms in the local language shall be posted in some conspicuous place on or near the outer door of the office of every Registrar.

17. (1) Subject to any rules made in this behalf by the State Government, including rules relating to the payment of fees and postal charges, any person may—

Search of
birth and
death
register.

(a) cause a search to be made by the Registrar for any entry in a register of births and deaths; and

(b) obtain an extract from such register relating to any birth or death:

Provided that no extract relating to any death, issued to any person, shall disclose the registered cause of death.

(2) All extracts given under this section shall be certified, by the Registrar or any other officer authorised by the State Government to give such extracts, as provided in section 76 of the Indian Evidence Act, 1872, and shall be admissible in evidence for the purpose of proving the birth or death to which the entry relates.

1 of 1872.

18. The registration offices shall be inspected and the registers kept therein shall be examined in such manner and by such authority as may be specified by the District Registrar.

Inspection
of regis-
tration
offices.

19. (1) Every Registrar shall send to the Chief Registrar or to any officer specified by him, at such intervals and in such form as may be specified by the Chief Registrar a return regarding the entries of births and deaths in the register book kept by such Registrar.

Registrars
to send
periodical
returns to
the Chief
Registrar
for compi-
lation.

(2) The Chief Registrar shall cause the information in the returns furnished by the Registrars to be compiled and shall publish for the information of the public a statistical report on the registered births and deaths during the year at such intervals and in such form as may be prescribed.

CHAPTER V

MISCELLANEOUS

20. (1) The Registrar-General shall, subject to such rules as may be made by the Central Government in this behalf, cause to be registered information as to births and deaths of citizens of India outside India received by him under the rules relating to the registration of such citizens at Indian Consulates made under the Citizenship Act, 1955, and every such registration shall be deemed to have been duly made under this Act.

Special
provision
as to regis-
tration of
births and
deaths of
citizens
outside
India.

57 of 1955.

(2) In the case of any child born outside India in respect of whom information has not been received as provided in sub-section (1), if the parents of the child return to India with a view to settling therein, they may, at any time within sixty days from the date of the arrival of the child in India, get the birth of the child registered under this Act in the same manner as if the child was born in India and the provisions of section 13 shall apply to such child after the expiry of the period of sixty days aforesaid.

Power of Registrar to obtain information regarding birth or death.

21. The Registrar may either orally or in writing require any person to furnish any information within his knowledge in connection with a birth or death in the locality within which such person resides and that person shall be bound to comply with such requisition.

Power to give directions.

22. The Central Government may give such directions to any State Government as may appear to be necessary for carrying into execution in the State any of the provisions of this Act or of any rule or order made thereunder.

Penalties.

23. (1) Any person who—

(a) fails without reasonable cause to give any information which it is his duty to give under any of the provisions of sections 8 and 9 of this Act; or

(b) gives or causes to be given, for the purpose of being inserted in any register of births and deaths, any information which he knows or believes to be false regarding any of the particulars required to be known and registered; or

(c) refuses to write his name, description and place of abode or to put his thumb mark in the register as required by section 11,

shall be punishable with fine which may extend to fifty rupees.

(2) Any Registrar or Sub-Registrar who neglects or refuses, without reasonable cause, to register any birth or death occurring in his jurisdiction or to submit any returns as required by sub-section (1) of section 19 shall be punishable with fine which may extend to twenty-five rupees.

(3) Any medical practitioner who neglects or refuses to issue a certificate under sub-section (3) of section 10 and any person who neglects or refuses to deliver such certificate shall be punishable with fine which may extend to fifty rupees.

(4) Any person who, without reasonable cause, contravenes any provision of this Act for the contravention of which no penalty is provided for in this section shall be punishable with fine which may extend to ten rupees.

5 of 1898.

(5) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence under this section shall be tried summarily by a magistrate.

24. (1) Subject to such conditions as may be prescribed, any officer authorised by the Chief Registrar by a general or special order in this behalf may, either before or after the institution of criminal proceedings under this Act, accept from the person who has committed or is reasonably suspected of having committed an offence under this Act, by way of composition of such offence a sum of money not exceeding fifty rupees.

Power to compound offences.

(2) On the payment of such sum of money, such person shall be discharged and no further proceedings shall be taken against him in respect of such offence.

25. No prosecution for an offence punishable under this Act shall be instituted except by an officer authorised by the Chief Registrar by general or special order in this behalf.

Sanction for prosecution.

26. All Registrars and Sub-Registrars shall, while acting or purporting to act in pursuance of the provisions of this Act or any rule or order made thereunder, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Registrars and Sub-Registrars to be deemed public servants.

45 of 1860.

27. The State Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act (except the power to make rules under section 30) or the rules made thereunder shall, subject to such conditions, if any, as may be specified in the direction, be exercisable also by such officer or authority subordinate to the State Government as may be specified in the direction.

Delegation of powers.

28. (1) No suit, prosecution or other legal proceeding shall lie against the Government, the Registrar-General, any Registrar, or any person exercising any power or performing any duty under this Act for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

Protection of action taken in good faith.

(2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by any thing which

is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

Act not
to be in
derogation
of Act 6
of 1886.

29. Nothing in this Act shall be construed to be in derogation of the provisions of the Births, Deaths and Marriages Registration Act, 1886.

Power to
make
rules.

30. (1) The State Government may, with the approval of the Central Government, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing provision, such rules may provide for—

(a) the forms of registers of births and deaths required to be kept under this Act;

(b) the period within which and the form and the manner in which information should be given to the Registrar under section 8;

(c) the period within which and the manner in which births and deaths shall be notified under sub-section (1) of section 10;

(d) the person from whom and the form in which a certificate as to cause of death shall be obtained;

(e) the particulars of which extract may be given under section 12;

(f) the authority which may grant permission for registration of a birth or death under sub-section (2) of section 13;

(g) the fees payable for registration made under section 13;

(h) the submission of reports by the Chief Registrar under sub-section (4) of section 4;

(i) the search of birth and death registers and the fees payable for such search and for the grant of extracts from the registers;

(j) the forms in which and the intervals at which the returns and the statistical report under section 19 shall be furnished and published;

(k) the custody, production and transfer of the registers and other records kept by Registrars;

(l) the correction of errors and the cancellation of entries in the register of births and deaths;

(m) any other matter which has to be, or may be, prescribed.

31. (1) Subject to the provisions of section 29, as from the coming into force of this Act in any State or part thereof, so much of any law in force therein as relates to the matters covered by this Act shall stand repealed in such State or part, as the case may be. Repeal
and
saving.

(2) Notwithstanding such repeal, anything done or any action taken (including any instruction or direction issued, any regulation or rule or order made) under any such law shall, in so far as such thing or action is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the provisions aforesaid, as if they were in force when such thing was done or such action was taken, and shall continue in force accordingly until superseded by anything done or any action taken under this Act.

32. If any difficulty arises in giving effect in a State to the provisions of this Act in their application to any area, the State Government may, with the approval of the Central Government, make such provisions or give such directions not inconsistent with the purposes of this Act as appears to the State Government to be necessary or expedient for removing the difficulty. Power to
remove
difficulty.

STATEMENT OF OBJECTS AND REASONS

At present only a few States like Assam, Madras, Kerala and West Bengal have separate legislation in regard to registration of births and deaths, while others have only enabling provisions in this behalf in the Municipal Act, Panchayat Act, Chowkidar Manual or Land Revenue Manual so that the matter is governed by executive orders or bye-laws setting out legal registration procedure. Such a situation, by its very nature, leads to diversity in practices and inefficiency of performance. Various national committees and experts, who gave attention to the problem, have strongly recommended the need for a Central legislation to regulate registration of births and deaths in the country.

2. The Central Government needs adequate and accurate country-wide registration data for purposes of national planning, organising public health and medical activities and developing family planning programmes. Population is one of the most dynamic factors in the present economy of the country but it is here that information on trends furnished by the registration data is very defective and unreliable. The national interest requires an acceptable level of performance by the States and technical uniformity of the methods and standards used in the collection and compilation of data throughout the country. The Government, therefore, consider that in order to develop a sound and unified system of registration in the country, Central legislation is necessary on the subject.

3. The Bill seeks to give legal status to the existing officials in the registration machinery, who are drawn from different departments to look after the registration work in addition to their other normal duties and to bind them in a registration hierarchy with the Registrar-General, India, at the Centre and Chief Registrar at the State, running through District Registrars to the village and town Registrars at the periphery. The provisions of the Bill are built closely around the current registration practices, where experience of their working in several States has shown them to be practicable and efficient. They unify the existing legal and administrative provisions. They are broad enough to permit State variations in operational details as demanded by the particular characteristics of their respective administrations but are specific enough to ensure development

of the system so as to secure a minimum of uniformity and comparability in coverage and efficiency. The Bill lays down specific principles, general lines of action and channels of authority but execution is left with the States, and accordingly details of implementation are relegated to rules to be made by the State Governments with the approval of the Central Government so as to secure a minimum uniformity. The Bill also empowers the Central Government to issue directions to State Governments for implementing the provisions of the Bill when enacted.

NEW DELHI;

JAISUKHLAL HATHI.

The 29th August, 1964.

FINANCIAL MEMORANDUM

Chapter II of the Bill gives the details of registration-establishment at the Centre and at State, district, municipal and village levels. This establishment already exists, although the specific designations used in the Bill may not be current. The Bill gives a legal status to the various officials in the registration machinery, who at present attend to the registration work in addition to their other normal duties. The machinery is not monolithic and officials of various departments have to be roped in for registration work. The Bill binds them in a registration hierarchy with the Registrar-General, India, at the Centre, and Chief Registrar at the State, running through District Registrars to the village and town Registrars at the periphery. No extra expenditure on account of staff or otherwise will be needed so far as the office of the Registrar-General, India, is concerned. In the case of Union territories, in respect of which the State Government would mean the Central Government, there is no likelihood of any additional expenditure as the machinery for registration already exists in these territories except in Tripura and NEFA. As and when registration is introduced in these areas, the existing staff of the administrations will be utilised for registration as in the case of other Union territories and no new staff is likely to be needed. However, the possibility of some staff being appointed exclusively for the purpose in exceptional circumstances cannot be ruled out and in that case some expenditure may be involved from the Consolidated Fund of India. The expenditure which is of a contingent character is likely to be very small, and it is not possible to give any indication thereof at this stage.

2. Provision has been made in clauses 16(2) and 19(2) for printing of register books and for publication of statistical reports. The forms and books required for registration work and the reports required to be published will continue to be the responsibility of the State Governments as at present and consequently these provisions are not likely to involve extra expenditure. In the case of Union territories, the position is as stated in the preceding paragraph.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 20 of the Bill empowers the Central Government to make rules for the registration of information as to births and deaths of citizens abroad received by the Registrar-General under the Citizenship Act, 1955. The matters to be provided for by rules are merely of an administrative or procedural nature.

Clause 30 of the Bill empowers the State Government in regard to all other matters to make rules, but only with the approval of the Central Government. The matters in respect of which rules may be so made relate, *inter alia*, to the forms of registers of births and deaths, the period within which and the manner in which information is to be given or notified, the authority who may grant permission for delayed registration and the fees payable for delayed and declared registration, the search of registers of births and deaths and grant of extracts on payment of fees, the period of gestation for classifying a foetal death as a still-birth and the conditions subject to which an offence against the Act may be compounded. These are matters of form, procedure or detail.

The delegation of legislative power is, therefore, of a normal character.

B. N. BANERJEE,
Secretary.

